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REMARKS

Claims 1-18 are pending in this application. All claims have been rejected either under 35

U.S.C. 102 (b) or 35 U.S.C 103 (a) as being anticipated by Morrel-Samuels (US 5,795,155)

or as being unpatentable over Morrel-Samuels (US 5,795,155) in view of Brookler et al. US

(2002/0007303). These reasons for rejection are respectively traversed. Claims 11, 12, 14, 16,

17 and 18 have been cancelled; claims 3, 5, 8 and 9 have been amended and claims 19, 20, 21,

22 and 23 have been added.

Background

N.B. The invention in this application is also referred to as the "Dynamic Questionnaire

Engine" in this document.

It is recognised that the art of conducting an electronics survey electronically has been

anticipated prior to this application, however two key elements of the electronic survey

process made in this application are new and therefore patentable. Firstly the system and

methodology of dynamically defining which statements should be used in a second set of

questions based upon the answers to the first set of questions is new. Current state of the art

solutions only enable a survey initiator to define which questions should be asked in a second

'phase' of questioning based upon the answers of the first 'phase'. However the questions for

the second 'phase' are not dynamically altered before being presented to the interviewee.

These dynamically generated questions are key to this application and are therefore covered

by Claim 6.

Secondly, the Dynamic Questionnaire Engine used in this application does not arrive at values

to be used in subsequent calculations by asking the respondent to give a value to an attribute

(ie marking an attribute on a scale from 1 to 10, for example) which can be heavily influenced

by the human emotional state at the time of completing the questionnaire, but arrives at its

values based on how the respondent answers the questions. This ensures that values assigned

to the responses from the survey are both repeatable and have meaning by themselves. As

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such, this invention allows the results of the survey to be presented immediately to the interviewee following completion of the survey which may then be compared with the results from other interviews, as the values thus attained are a true reflection of the respondent's state of mind and do not require a consolidation of numerous inputs to filter out the errant emotional state. With state of the art questionnaire techniques, this is not possible, as inputs are invariably influenced by these human factors such as emotion (interviewees typically give low valued scores to questions requiring to be marked on scales when they are having a 'bad day') and by the fact that the level of conviction in an answer can not be truly captured. In order to filter out these factors, survey initiators have to typically collect many inputs which are then averaged to give a 'group' value which should then hopefully have filtered out the human factors. This ability to give immediate, comparable, more accurate and repeatable feedback is covered in Claim 15.

The system and methodology behind this application allows values to be mathematically assigned to the way the interviewee has responded to both sets of questions, which is repeatable. Unlike state of the art electronic surveys, this invention does not require the interviewee to give a value to a question in order to assign that attribute (which the question is intended to measure) with a numerical value(ie marking an attribute on a scale from 1 to 10, for example). As such there is no risk of an interviewee allowing the human trait of seeing things negatively when they are in a bad mood from marking a question with a low score in such an instance, whereas if that same interviewee where in a better mood they would then score the question higher.

The system and methodology behind this application also allows values to be mathematically assigned to the way the interviewee has responded to both sets of questions, which can then be used to show that interviewees level of conviction. If in a state of the art survey, asking one interviewee to measure on a scale of 1 to 10 their opinion to an attribute to which they respond with a 4 and another interviewee responds with the value of 8, state of the art

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questionnaire solutions take these values and average the value to 6. Whereas, in reality, if these two people were to be put into a room and discussed the point, the interviewee with the strongest conviction in their answer would typically convince the other to move more in their direction, resulting in a value of 7 (for example). The current invention mathematically assigns values to the responses to the questionnaire which actually takes into account the level of conviction of an interviewee, thereby capturing this important trait. Of course, state of the art questionnaires sometimes attempt to record the level of conviction of an interviewee to an attribute by having asked the question, asking the interviewee to value how important that question is to the interviewee, which should be marked on a scale. This value is then typically used as a multiplier to give the question a "weighting". However, based on the human emotional response modal mentioned above, this multiplication model not only captures a level of conviction, but also amplifies the emotional error thereby making the result even less representative. This system and methodology of outputting a value devoid of human emotional responses and of measuring the interviews level of conviction are covered in Claims 8 through to 10.

In order to ensure that the mathematical algorithm can accurately give a value which is devoid of human emotional responses whilst at the same time giving a value to the level of conviction in the responses requires that a set of strict guidelines be followed. These guidelines are summarised in Claims 1 through to 7 which summarise the setting up of the Dynamic Questionnaire Engine.

Finally, the results obtained from the system and methodology used in this invention are not intended to define actions or activities as intended by state of the art surveys, but rather to identify areas (typically key business areas) where the most impact could be had with the minimum input (or investment). In a preferred embodiment of this invention, for example, employee motivation could be measured by investigating the four key business areas of Management, Marketing, Resources and Technology of a company. The results of a

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questionnaire based upon the Dynamic Questionnaire Engine would show which of these

areas should be worked on first, but does not break down those areas into sub-areas, nor does

it define the activities necessary to improve those areas as would be expected from a state of

the art questionnaire.

Objections

Claims 1 has been rejected under 35 U.S.C. 103(a) as being anticipated by Morrel-Samuels

(US 5,795,155). The reason for rejection is respectfully traversed. The objection states that

"Morrel discloses a system and method which is characterised by asking the respondents to

answer two sets of questions (e.g. parts 14 and 16), with both sets of questions being based on

similar statements, but posed differently." However, part 14 of Morrel's invention consists of

"cards" of statements, which the respondent has to subdivide into three groups and then give a

value to each of those statements in two of those groups (see Col.5 7-25). Part 16 of Morrel's

invention consist of questions to verify the accuracy of the respondents perceptions (such as

length of time it actually took to complete part 14) and have no relevance or connection to the

actual statements in part 14 (see Col.4 63-67 and element 52 in Fig 1H). Furthermore there is

no provision in Morrel's invention to dynamically alter the questions of part 16 as a result of

the responses or the activities in part 14. This claim is therefore not anticipated by Morrel and

furthermore, there is no possibility for one of ordinary skill in the art at the time of the

invention to modify Morrel's invention accordingly.

Claims 4 and 7 depend from Independent Claim 1 and do not claim to define a way of asking

questions so that they are responded to emotionally and rationally respectively, but rather that

from the statements chosen, the first set of questions can be asked in such a way so that they

are answered emotionally (claim 4) and the second set, based on the same set of statements

are answered rationally (claim 7). This art of having defined a set of statements, posing them

in two independent ways so that they may be answered firstly emotionally and then rationally

would not be obvious to one of ordinary skill in the art at the time of invention.

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Claim 2 is not anticipated by Morrel, as the current invention requires statements to be equally distributed in number amongst the groups. Morrel's invention does not make mention to, nor does it require the statements to be equally distributed amongst sections, as illustrated by Morrel's example, with sections 1 through to 4 (see Fig.1A through to 1D) consisting of 11 statements, whereas sections 5 through to 7 (see Fig. 1E through to 1G) consist of 9 statements.

Claim 3 is not anticipated by Morrel, as Morrel's summary statement following the independent statement is part of the first set of questions and is used to test the reliability of the responses by posing a single question relevant to the behavioural domain of the section consisting of a number of statements (see Col.4 50-56). Furthermore in the current invention the two sets of similarly worded statements which are identical in number are questioned in part one and compared in part two of the questionnaire respectively. This is not anticipated by Morrel, nor would it be apparent to one of ordinary skill in the art at the time of the invention to modify Morrel's invention accordingly.

Claim 5 is not anticipated by Morrel, as the second set of Morrel's questions (e.g. part 16) are a fixed part of the questionnaire and are not intended to be altered or grouped dynamically at the time of the questionnaire as claimed in the current invention. There is also no provision in Morrel's invention to dynamically group questions in the second set of questions. It is recognised that the wording of the original claim is not clear enough and has therefore be amended accordingly.

Claim 6 is not anticipated nor is it disclosed by Morrel, as the second set of Morrel's questions (part 16) are fixed for the duration of the questionnaire and are purely intended to allow "verifiable performance of the target". There is no provison within Morrel's invention to alter these questions in anyway at the time of the questionnaire, as claimed in the current invention.

Claims 8 and 9 are not anticipated nor are they disclosed by Morrel. In Morrel's invention the scoring and ranking of the statements in part 14 is a self evaluation of the target's strengths and weaknesses which the target assesses and ranks for themselves. The resulting scores have no correlation to the target's emotional or rational state or their level of conviction in each of the statements. The output will in fact be a summary of how the target sees their own attributes. In the current invention, however, values are calculated following a strict algorithm which then represent the level of conviction of the respondent's emotional and rational responses. Furthermore this methodology allows for repeatable results which Morrel's invention does not. It is recognised that the wording of the original claims is not clear enough and has therefore be amended accordingly.

Claim 10 is not anticipated nor is it disclosed by Morrel, as Morrel's invention does not measure nor does it give a calculated value for a respondent's satisfaction. Morrel's invention takes the response results of a target and having checked the probable validity of the responses, compares it with the results of other targets in order to highlight any anomalies (see Col.7 10 - Col.8 19).

Claims 12 – 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Morrel-Samuel (US 5,795,155) in view of Brookler et al. (US 2002/0007303).

Claim 13 identifies two new techniques in the current invention which are patentable. The first is where, having completed the first part of the questionnaire, the questions for the second part of the questionnaire are dynamically arranged and presented on the display device for completion. Neither Morrel nor Brookler describe a system where the questions are dynamically (i.e. in real time during the questionnaire) electronically manipulated based on the responses to the first set of questions before being presented to the respondent. Element 72 in Figure 4 of Brookler's invention is a trigger for recognising whether the final question has been asked and not a final question which has been dynamically generated and based upon the responses to the first set of questions.

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Secondly, on completion of the questionnaire a summary of the respondent's results can be presented to the respondent in both a textual and graphical format on the display device. Neither Morrel nor Brookler describe a system which is able to nor does it make sense to present the respondent with a summary of their inputs and those of their peers. This would also not be apparent to one of ordinary skill in the art at the time of the invention, as to do so with state of the art questionnaire solutions would be statistically inaccurate. Brookler discusses a way of presenting the data to the surveyor (the initiator of the questionnaire) but not to the respondent (See page 14). The claim has been edited accordingly.

Claim 15 is not anticipated nor is it disclosed by Morrel, as Morrel's invention does not discuss giving the respondent immediate feedback at the time of the survey. This is because the data needs to be collated, verified, plotted and evaluated before presenting it to the respondent, which Morrel's invention is not able to nor does it allow someone of ordinary skill in the art at the time of the current invention to be done in real time.

Claims 16 through to 18 have been summarised into a single independent claim (Claim 19) which takes the inventions of Morrel and Brookler into account. The claim is consistent with the benefits provided by the current invention, in that several entities can now submit their questionnaire to a central data server, typically available in the World Wide Web (internet) in order to summarise the results of all combined entities. This would be beneficial for entities wanting to perform a realistic benchmarking exercise. In a preferred embodiment of the current invention, an entity may be a company providing a service such as a mobile telephone company. If this company used the current invention to measure its own customer satisfaction (for example) and uploaded its result (anonymously, if preferred) to the central server as did its competitors in the mobile telephone market, that company would have its own results and those of the entire industry of mobile telephone market available to it (as would each of their partaking competitors) thereby enabling each company to benchmark their own results with those of the entire industry. This ability is only made possible by utilising a satisfaction
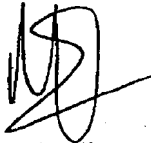
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survey based on the Dynamic Questionnaire Engine where results are repeatable, comparable combinable irrespective of the individual sample size.

Claims 19 through to 23 are not anticipated nor are they disclosed by Brookler, as Brookler's invention discloses a publishing system to publish the results to survey respondents only. This publishing system does not publish its results to a central data server for the results to be viewed or combined with additional external entity inputs to then be viewed by any external entity as is now possible with the current invention.

Conclusion

For all the reasons, it is respectfully submitted that the present application, including the amendments set forth above and the additional materials submitted herewith, is now in a condition to be allowed. Notice to this effect is earnestly solicited.

Respectfully submitted,

Martin Gosling